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PETITIONS OFFICE

PTO/SB/30 (10-01)

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

| | |
|------------------------|-------------------------|
| Application Number | 09/100,516 |
| Filing Date | June 19, 1998 |
| First Named Inventor | Kaster |
| Art Unit | 1638 |
| Examiner Name | Dr. Benzion |
| Attorney Docket Number | GERMOLESM CONVERSION |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 07-0190
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|---------------------|-----------------------------------|----------------|
| Name (Print/Type) | Dana Rewoldt | Registration No. (Attorney/Agent) | 33,762 |
| Signature | <i>Dana Rewoldt</i> | Date | April 18, 2002 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

| | | | |
|-------------------|---------------------|------|----------------|
| Name (Print/Type) | Dana Rewoldt | Date | April 18, 2002 |
| Signature | <i>Dana Rewoldt</i> | | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

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09/100,516

PETITIONS OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE: Patent Application for Kaster : Date: April 19, 2002
Serial No.: 09/100,516 : Art Unit: 1638
Filed: June 19, 1998 : Examiner: Dr. Benzion
For: Plants and Their Preparation : Action: Request for Continued Examination (RCE) under 37 C.F.R. § 1.114

To: Assistant Commissioner for Patents
Washington, DC 20231

REQUEST FOR CONTINUED EXAMINATION (RCE) UNDER 37 C.F.R. § 1.114

Dear Sir,

Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above-identified application. This request is being submitted during request for revival of application under unintentional abandonment. Enclosed herewith is an amendment and a Petition and fee for revival of application for unintentional abandonment under 37 C.F.R. § 1.137(b). This application is on behalf of other than a small entity and the continued prosecution request fee is \$740.00. There is no required additional fee for claims.

Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time or for added claims.

The total fees due are:

| | |
|--|-------------|
| Continued Prosecution Fee (§ 1.17(e)) | \$ 740.00 |
| Fees for Additional Claims (§ 1.16(b)-(d)) | 0.00 |
| Extension of Time Fee (§ 1.17(a)(1)-(4)) | <u>0.00</u> |
| Total Fee Due | \$ 740.00 |

Attached and filed in duplicate is a Fee Payment in which we have requested that the Office please pay the fees for this continued examination application by charging Deposit Account 07-0190 in the sum of \$740.00. Please charge any required additional fees for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to Deposit Account 07-0190.

Respectfully submitted,



Dana Rewoldt, #33,762

Advanta USA, Inc.

2389 330th Street, Box 500

Slater, IA 50244

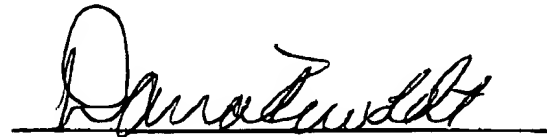
Telephone: (515) 685-5201

Telefax: (515) 685-5072

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.6(d)

I hereby certify that the above Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 was transmitted by facsimile to the Assistant Commissioner for Patents (703-308-6916) on April 18, 2002.

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DSR



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Re: | Patent Application for Kaster | Date: | April 19, 2002 |
| Serial No.: | 09/100,516 | Art Unit: | 1638 |
| Filed: | June 19, 1998 | Examiner: | Dr. Gary Benzion |
| For: | Plants and Their Preparation | Action: | Amendment under 37 C.F.R. §§ 1.114 and 1.116 |

To: The Commissioner of Patents and Trademarks, Washington, DC 20231

Dear Sir:

Remarks

The newly typed claims are attached hereto as a separate sheet. It is requested that the Examiner allow the claims based on the amendments made to claim one.

In the previous office action the applicant indicated that the withdrawal of claims 12-20 and claim 24 from examination, even without prejudice to the reinstatement of the claims in this application or in a divisional application, would be premature. Since the Examiner has made this office action final the applicant without prejudice to the applicant's ability to reinstate the claims the applicant withdraws claims 12-20 and claim 24 from the application.

The present remarks are addressed to the claims 1-11 and 21-23. The applicant submits that as amended the claims presently in the application are not obvious in light of the teaching of Spencer nor of Hall, or even of the reference (not prior art) which was submitted April 20, 2001 (US Pat. 6,057, 496). The claims as amended are not made obvious by the art cited herein.

The Applicant hereby submits that Claim 1 as amended in the attached claims should overcome the Examiner's 35 U.S.C. § 103 rejection over Spencer, et